

REMARKS

This amendment is responsive to the non-final Office Action of November 24, 2008. Reconsideration and allowance of **claims 1-13 and 15-20** are requested.

The Office Action

Claims 1-13 and 15-20 were rejected under 35 U.S.C. § 101 because the claimed invention was directed to non-statutory subject matter.

Claim 16 was rejected under 25 U.S.C. § 102(b) as being anticipated by Geiser et al. (U.S. Patent No. 6,708,055).

The References of Record

Geiser et al. discloses a method of screening a compound for use as a contrast agent in echocardiography in order to determine the boundaries of the myocardium that are then used to determine the volume and ejection fraction of the heart. More specifically, after injection of the contrasting agent, a sequence of end-diastole (ED) frames is obtained. In each of these succeeding frames a registration point in the frame is obtained, thereby locating one or more regions of the myocardium on the ED frame corresponding to the regions on a control frame where the mean pixel (intensity) of the region is calculated. The mean pixel intensity for the left ventricular chamber is calculated for the pixels enclosed by the approximate endocardial contour.

35 U.S.C. § 101

Claims 1, 4, and 16 have been amended to address the non-statutory subject matter issue.

There being no outstanding art rejections, it is submitted that claims 1-13, 15, 19, and 20 are now in condition for allowance..

**The Claims Distinguish Patentably
Over the References of Record**

Claim 16 is not anticipated over Geiser et al. (U.S. Patent No. 6,708,055). **Claim 16** has been amended to include similar claim subject matter as **claims 1 and 4** as suggested by Examiner.

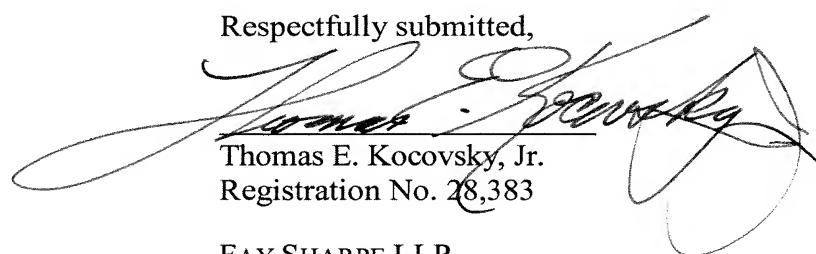
More specifically, regarding **claim 16**, Geiser et al. does not disclose a ratio of selected phase and ED intensity values and other limitations of claim 16.

Accordingly, it is submitted that independent **claim 16** and **claims 17 and 18**, dependent therefrom distinguish patentably and unobviously over the references of record.

CONCLUSION

For the reasons set forth above, it is submitted that all claims are not anticipated by and distinguish patentably and unobviously over the references of record. An early allowance of all claims is requested.

Respectfully submitted,


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